

City of Taylorsville
Planning Commission Meeting
Minutes
Tuesday – December 14, 2004 – 7:00 P.M.
2600 West Taylorsville Blvd – Council Chambers

Attendance:

Planning Commission

Angelo Calacino, Chairman
Aimee Newton Michael Maloy, City Planner
Ted Jensen
Phil Hallstrom
Kristie Overson
Joan Rushton-Carlson
Blaine Smith
Dama Barbour

Community Development Staff

Mark McGrath, Director

Nick Norris, City Planner
Dan Udall, City Planner
Jean Gallegos, Secretary/Recorder

PUBLIC: Bill Peperone, Chris King, Deborah Perry, Kathy Stalwick, Robert R. Woods, Nina M. Edgmand, Donna Milne, Ed Richardson, Ruth Perry, Norm R. Wendel, Dean Ericson, Joshua Pettit, Glen Morse, Chan Tran, Rick Kitchens, Don Hughes, Kaylene Hughes, Sanford Hamilton, Ann Hamilton, Geoffrey Woods, Jack North, Morris K. Pratt, Wade Groves.

WELCOME: [19:04:13](#) **Commissioner Calacino** welcomed those present, explained the procedures to be followed this evening and opened the meeting.

HOME OCCUPATION

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1. 58H04 **Ruth Perry, 4993 South Quercus Cove** (1075 West) - Beauty Salon. (Dan Udall/
City Planner)
-

[19:06:04](#)

1.1 **Mr. Udall** oriented on the site plan, aerial map and images. The applicant is requesting to have 1-2 customers coming to the home Monday through Saturday during the hours of 7:00 to 9:00 p.m. She is proposing that vehicles be parked on the gravel driveway south of the hammerhead on the applicant's lot inasmuch as the applicant does not have a formal driveway. **Staff recommends approval with the following conditions:**

1.1.1 Receive approval from and remain compliant with all applicable reviewing agencies.

1.1.2 The use is subject to review upon complaint.

1.1.3 That the only signage allowed is a three square foot sign attached to the single-family home.

1.1.4 That adequate parking be provided on site to accommodate the homeowner's vehicles and customer vehicles coming to the home.

1.1.5 Customers can come to the home only between the hours of 7:00 p.m. to 9:00 p.m. **[Added by Motion] Days of the week to be Monday through Saturday.**

1.1.6 The applicant must live in the home and only the applicant residing in the home can be employed for the occupation.

1.1.7 Business must be conducted on an appointment-only basis.

1.1.8 **[Added by Motion] Added requirement that the applicant provide off street parking satisfactory to meet the Zoning Ordinance and the plan would be presented and cleared with the staff prior to this approval actually being granted to the applicant.**

1.2 **APPLICANT ADDRESS:** Ruth Perry [19:08:15](#) advised that none of the vehicles seen on the image belong to her and she is aware there is no parking allowed on the hammerhead. She has had several requests from neighbors for her to do this type of work but she has not been licensed. She would only be doing hair cuts and styling; no dyes would be involved.

1.3 **DISCUSSION:** Commissioner Overson asked about her proposed hours of 7:00 to 9:00 p.m. and asked if that would include any Saturdays. Mrs. Perry said it might on occasion and asked that be added to her application.

1.4 **SPEAKING:** None.

1.5 **PUBLIC TESTIMONY PORTION WAS CLOSED AND OPENED TO THE COMMISSION FOR DISCUSSION:** [19:10:45](#) Commissioner Newton asked what the ordinance said with regard to the driveway and Mr. Udall indicated it says driveways must be of a concrete or asphalt surface. The driveway on this property is gravel. [19:11:46](#) Commissioner Newton advised that if the ordinance says there must be a paved driveway, that may have to be a requirement here. [19:12:12](#) Commissioner Barbour asked if it were a driveway or a parking pad, to which, Mr. Udall said it was a parking pad. Commissioner Jensen [19:12:58](#) then said that according to the ordinance, there must be paved parking provided for the home occupation. Commissioner Calacino [19:14:52](#) advised that single family dwellings, by ordinance, are required to have off-street parking on a hard surface available and home occupations are required to have additional conforming parking to accommodate clients.

MOTION: Commissioner Barbour moved and received approval from the Chairman [19:17:16](#) to reopen the meeting to the applicant for further discussion.

APPLICANT READDRESS: Mrs. Perry said they intend to install a concrete pad on their site for this use. [19:17:53](#)

1.6 There being no others wishing to speak to this issue, the public comment portion of the meeting was again closed.

1.7 **MOTION:** [19:18:07](#) Commissioner Hallstrom - I move for approval of Application 58H04 with staff recommendations, adding #8 requiring that the applicant provide off street parking satisfactory to meet the Zoning Ordinance and the plan would be presented and cleared with the staff prior to this approval actually being granted to the applicant.

SECOND: Commissioner Newton.

DISCUSSION: Commissioner Jensen - Did you want to adjust the days of the week?

AMENDMENT: Commissioner Hallstrom - I will amend my motion to add Saturdays to the allowed days of the week.

SECOND: Commissioner Newton - I agree with that amendment.

VOTE: Commissioner Overson AYE Commissioner Hallstrom AYE

Commissioner Newton AYE Commissioner Smith AYE

Commissioner Barbour AYE Commissioner Jensen AYE

Motion passes unanimously.

ZONE CHANGE

2. 13Z04 City of Taylorsville, 4246 South 2200 West – Zone Change from A-1 to R-M (Dan Udall/City Planner)

2.1 Mr. Udall oriented on the site plan, aerial map and images. D.R. Horton has requested the City of Taylorsville to propose a zone change from A-1 to R-M for this property. D.R. Horton was unable to locate the homeowner of this property, therefore, has requested that the City of Taylorsville be the applicant in this instance. When D.R. Horton proposed the R-M zone change to the north and west, they expressed the desire to eventually

request a conditional use PUD for the property. D.R. Horton now desires to include this 8,075 square foot parcel with their planned unit development. There is presently a single-family home located on the property. **Staff recommends approval of the zone change for the following reasons:**

2.1.1 The proposed project meets the residential unit density of the "Medium Density Residential" general plan designation. The Medium Density Residential general plan designation allows up to 8.9 units per acre.

2.1.2 If the property is zoned to R-M, it should be compatible to the surrounding neighborhood.

2.1.3 The minimum lot size in the R-M zone is 5,000 square feet.

2.2 **APPLICANT ADDRESS:** **Bill Peperone, representing D.R. Horton.** [19:27:10](#). **Mr. Peperone** advised they have received zoning approval for a six-unit development on the back piece of this property. At that time, staff noticed that the parcel was illegally subdivided and the home cannot be legally occupied. **Mr. Peperone** has subsequently found out that the property owner is a Mr. Johnson and he is no longer interested in anything to do with that piece of property. The mortgage company has advised that foreclosure was not possible. **Mr. Peperone** is awaiting further information from the mortgage company. D.R. Horton wishes to buy that piece of property and incorporate it into the proposed plan but they do not want to create anything illegal. **Commissioner Hallstrom** suggested that Mr. Peperone continue his efforts to contact the property owner and work out the issues. [19:30:04](#). **Commissioner Calacino** asked Mr. McGrath to present the City's position on the legality of whether or not the Planning Commission should or should not be rezoning a property that they technically do not recognize. **Mr. McGrath** advised that what has been done is two-thirds of the property has been legally rezoned and by rezoning the subdivided remnant piece of property, it makes the parcel whole. Staff has recommended approval based on the fact that it is consistent with the General Plan. It is not necessarily illegal to rezone a portion of a property and this does not break any laws. **Mr. Udall** commented that this is not the first such parcel where the City has rezoned property without the owner's consent [19:31:00](#).

2.3 **DISCUSSION:** **Commissioner Calacino** [19:23:38](#) did not understand that if the property is illegal, how the zoning could be changed. He suggested that the remnant piece be added in with the PUD and change the zone all at once. [19:24:43](#) **Commissioner Hallstrom** insisted that the property owner needs to be contacted on this issue [19:26:12](#), **Commissioner Barbour** was also concerned that the property owner was not present while this was being heard but did not want to hold the project up. [19:26:31](#) She felt that since D.R. Horton has title to their property, they should be allowed to proceed. [19:31:57](#)

2.4 **SPEAKING:** None.

2.5 **DISCUSSION:** **Mr. McGrath** [19:34:23](#) advised that current zoning on the property is A-1 which requires a 10,000 square foot lot. As the developer has proposed subdividing it, it is less than 10,000 square feet so they cannot legally subdivide this property until the zoning is in place that will allow this lot size, which is 8, 075 square feet. **Mr. Udall** commented that in the R-M zone, the minimum lot size is 5,000 square feet, which would bring the lot within appropriate size.

2.6 **MOTION:** [19:35:10](#) **Commissioner Newton** - It seems to me that it is in the best interest of everyone to proceed and so I will move that we approve Application 13Z04 with the staff recommendations.

SECOND: **Commissioner Overson**.

<u>Commissioner Overson</u>	<u>AYE</u>	<u>Commissioner Hallstrom</u>	<u>NAY</u>
<u>Commissioner Newton</u>	<u>AYE</u>	<u>Commissioner Smith</u>	<u>NAY</u>
<u>Commissioner Barbour</u>	<u>AYE</u>	<u>Commissioner Jensen</u>	<u>AYE</u>

Motion passes 4 to 2 [19:35:47](#)

CONDITIONAL USES

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3. 41C04 **Lawrence Goldenson, 5272 South Skeeswood Drive (3000 West)** – Animal Hobby Permit
(Nick Norris/City Planner)
-

[19:36:31](#)

3.1 **Mr. Norris** oriented on the site plan, aerial map and images. The applicant has requested approval to license three adult dogs at a single-family residence located in an R-1-8 zone. The parcel is approximately 8,000 square feet in area. The applicant submitted the application when he inquired with the County about licensing a third dog, which was rescued by the applicant. **Staff recommends approval with the following conditions:**

3.1.1 Receive approval from and remain compliant with all requirements of applicable reviewing agencies (i.e., Salt Lake County Animal Services, Salt Lake Valley Health Department, etc.).

3.1.2 Applicant shall comply with all requirements of the animal hobby permit as stated within the City of Taylorsville Code of Ordinances, Title 8, Animals.

3.1.3 Conditional use permit is subject to review upon substantiated and unresolved complaint. Complaints which cannot be resolved by City Staff or Salt Lake County Animal Services personnel, may be grounds for permit revocation.

3.2 **APPLICANT ADDRESS:** Not present.

3.3 **SPEAKING:** None.

3.4 **MOTION:** [19:37:49 Commissioner Hallstrom](#) - I will be glad to make a motion. In view of the fact that the applicant has originated this application rather than it coming about as a result of a violation or complaint and in view of the fact that their yard is obviously acceptable to take care of the animals, I would move for approval in accordance with staff recommendations.

SECOND: [Commissioner Barbour](#)

<u>VOTE:</u>	Commissioner Overson	AYE	Commissioner Hallstrom	AYE
	Commissioner Newton	AYE	Commissioner Smith	AYE
	Commissioner Barbour	AYE	Commissioner Jensen	AYE

Motion passes unanimously.

4. 42C04 **Ena May, 4824 South 3475 West** - Animal Hobby Permit. (Nick Norris/City Planner)

[19:38:35](#)

4.1 **Mr. Norris** oriented on the site plan, aerial map and images. The applicant has requested approval to license a total of three adult dogs at a 9,000 square foot single-family residence. This application was submitted as a result of a complaint filed with Taylorsville City and Salt Lake County Animal Services that the animals were being allowed to run loose.

4.1.1 **Staff recommends denial of this application due to the complaints received and concerns expressed by residents within the 400 foot notification circle, if during the public hearing, the claims of the animals running at large can be substantiated by sufficient public comment.** Staff recommends that the Commissioners utilize City Ordinance 9.098.030.B.3 to establish sufficient public comment to substantiate the claims of the residents. If three or more residents submit written comments or state at the meeting that the dogs are in fact running at large, then they can be declared a nuisance which would be sufficient cause to deny the permit.

4.1.2 **If the claims cannot be substantiated, staff recommends approval with the following conditions:**

4.1.2.1 Receive approval from and remain complaint with all requirements of applicable reviewing agencies (i.e., Salt Lake County Animal Services, Salt Lake Valley Health Department, etc.).

4.1.2.2 Applicant shall comply with all requirements of the animal hobby permit as stated within the City of Taylorsville Code of Ordinances, Title 8, Animals.

4.1.2.3 Conditional use permit is subject to review upon substantiated and unresolved complaint. Complaints which cannot be resolved by City staff or Salt Lake County Animal Services personnel may be grounds for permit revocation.

4.1.2.4 That the gap under the gate located on the north side of the property is filled in to prohibit an animal from crawling under it.

4.2 **APPLICANT ADDRESS:** Not present.

4.3 **SPEAKING:** None.

4.4 **MOTION:** 19:41:16 Commissioner Overson - I will make a motion. Because the applicant is not here and we have received complaints about this, I am not comfortable in approving this. I would like to hear from the applicant. I move that we deny Application 42C04.

SECOND: Commissioner Smith.

VOTE: Commissioner Overson AYE Commissioner Hallstrom AYE
Commissioner Newton AYE Commissioner Smith AYE
Commissioner Barbour AYE Commissioner Jensen AYE
Motion passes unanimously.

5. 43C04 **Deborah Perry, 5896 Blake Drive (2470 West)** – Animal Hobby Permit. (Michael Maloy/City Planner)

19:43:40

5.1 **Mr. Maloy** oriented on the site plan, aerial map and images. The applicant has requested approval for an animal hobby permit to license a total of three adult dogs at a single-family residence located on an 8,500 square feet lot. This application is not in response to a complaint. The oldest dog is aging and owner doesn't believe it will live much longer and that is why she wants a third animal. 19:45:22 There could be a condition added to reduce back to two dogs should the oldest one die. There is no record of complaint in the City or with County Animal Services regarding these animals. There was one complaint registered about dogs in the neighborhood in general. **Staff recommends approval with the following conditions:**

5.1.1 Receive approval from and remain compliant with all requirements of applicable reviewing agencies (i.e., Salt Lake County Animal Services, Salt Lake Valley Health Department, etc.).

5.1.2 Applicant shall comply with all requirements of the animal hobby permit as stated within the City of Taylorsville Code of Ordinances, Title 8, Animals.

5.1.3 Conditional use permit is subject to review upon substantiated and unresolved complaint. Complaints which cannot be resolved by City staff or Salt Lake County Animal Services personnel may be grounds for permit revocation.

5.2 **APPLICANT ADDRESS:** **Deborah Perry** was present and spoke momentarily from the audience indicating that she had no problems with any of staff's recommendations.

5.3 **MOTION:** 19:47:05 Commissioner Hallstrom - I would make a motion. Inasmuch as there have been no complaints and the applicant originated this application and it wasn't the result of complaints and there appears to be adequate facilities to take care of the animals, I would recommend that we approve Application 43C04.

SECOND: Commissioner Barbour.

VOTE: Commissioner Overson AYE Commissioner Hallstrom AYE
Commissioner Newton AYE Commissioner Smith AYE
Commissioner Barbour AYE Commissioner Jensen AYE
Motion passes unanimously.

6. 44C04 **Nina Edgmand, 4500 S. 2200 W.** – Animal Hobby Permit. (Dan Udall/City Planner)

19:47:38

6.1 **Mr. Udall** oriented on the site plan, aerial map and images. The applicant is requesting an animal hobby permit to allow four cats on her property. According to the applicant, the cats remain indoors and are very well trained house cats. **Staff recommends approval with the following conditions:**

6.1.1 Receive approval from and remain compliant with all requirements of applicable reviewing agencies (i.e. Salt Lake County Animal Services, Salt Lake Valley Health Department, etc.).

6.1.2 Conditional Use Permit is subject to review upon substantiated and unresolved complaints. Complaints which cannot be resolved by staff or Salt Lake County Animal Services personnel may be grounds for permit revocation.

6.1.3 Property violations, if any must be resolved prior to issuance of an animal hobby permit.

6.1.4 The applicant needs to apply to all requirements that are applicable under Chapter 8 (Animal Permit Regulations).

6.2 **APPLICANT ADDRESS:** Nina Edgmand was present and spoke momentarily from the audience asking that she be allowed to keep her cats.

6.3 **MOTION:** 19:49:08 Commissioner Newton - Seeing as there are no objections from the neighbors on this hobby permit, I move that we approve Application #44C04 with staff recommendations.
SECOND: Commissioner Hallstrom
VOTE: Commissioner Overson AYE Commissioner Hallstrom AYE
Commissioner Newton AYE Commissioner Smith AYE
Commissioner Barbour AYE Commissioner Jensen AYE
Motion passes unanimously.

7. 45C04 Joshua Pettit, 6210 S. 3200 W. – Conditional Use Permit for a Car Wash. (Preliminary)
(Nick Norris/City Planner)

19:49:39

7.1 **Mr. Norris** oriented on the site plan, aerial map and images. The applicant is proposing a new self-serve car wash consisting of two automatic wash bays and three self-serve wash bays. Access to the 0.6 acre piece of property will be off of 3200 West. The property slopes to the south and west. **Staff recommends approval with the following conditions:**

7.1.1 That the applicant receives approval from all applicable agencies.

7.1.2 That a detailed and scaled cross section of the retaining wall be submitted that shows how tall the wall will be between the tier, the width of the tier, where the 6 foot high privacy fence is to be located and what type of landscaping is to be planted on the tier.

7.1.3 A detailed landscaping plan, including species type, size at maturity and size at planting be submitted prior to final approval.

7.1.4 That the retaining wall located along the southwest property line be heavily landscaped with 2 ½ inch caliper trees and mature shrubs.

7.1.5 An automatic sprinkler system be installed to irrigate all of the landscaped areas including the tiered retaining wall.

7.1.6 That a 6 foot solid barrier fence be placed on the south and west sides of the drive aisle.

7.1.7 That a detailed grading plan be submitted that includes the slope of the sidewalk on 3200 West, the drive approach and how the site will slope after all of the improvements are made to the site.

7.1.8 That decorative lighting fixtures be used and that all lighting is directed away from the residential neighborhood.

7.1.9 That the bollard that is placed within the drive aisle on the west of the car wash be removed from the drive aisle.

7.1.10 All sidewalks, roadways and parking areas be constructed to Taylorsville City standards.

7.1.11 All storm drainage plans be approved by the Taylorsville City Engineer.

7.1.12 All work that is done in the public right-of-way be bonded for and approved by Taylorsville City.

7.1.13 The decibel levels of the proposed equipment be submitted to the City.

7.1.14 The park strip along 3200 West be landscaped in a manner that is consistent with the landscaping on 6200 South, including the same species of tree with a caliper of 2 ½ inches.

7.1.15 The dumpster enclosure is constructed of similar materials as the main building.

7.1.16 A proposed sign package be submitted to the City prior to final approval.

7.1.17 That final approval is granted by the Planning Commission.

7.2 **APPLICANT ADDRESS:** **Dean Ericson (Josh Pettit's partner)**. [19:53:16](#) **Mr. Ericson** said that this will be an attractive facility, however, he is aware that the neighbors would prefer a park there instead. The applicant is agreeable to working with the neighbors as much as is possible and would be amenable to shutting down the vacuums after a certain hour to allay the neighbor's concerns about that noise factor. [19:54:55](#).

7.3 **DISCUSSION:**

7.3.1 In response to **Commissioner Overson's** [19:55:24](#) observation about which way the elevations will be facing, **Mr. Ericson** [19:55:53](#) explained the views from each location on the images. He also explained the retaining wall process, the grade change and how it will be fixed, the berm and landscaping. [19:58:16](#). **Commissioner Overson** questioned the appropriateness of installing a 14' high barrier, which has the look of a sound wall against the neighborhood. [19:58:29](#) **Mr. Ericson** advised that the wall would be in tiers and would actually only be 12' high.

7.3.2 **Commissioner Jensen** [20:01:00](#) asked if the applicant was confident the drainage would not go down 3200 West? **Mr. Ericson** - [20:01:15](#) felt the retention on the site would hold it there. **Commissioner Jensen** also expressed concern about this attracting graffiti, to which **Mr. Ericson** [20:02:00](#) replied the advantage of having such a high wall is it would limit physical access to it.

7.3.3 **Commissioner Calacino** - [20:02:33](#) The aerial map shows there is a right hand turn out, which the site plan does not show, which may compromise the actual buildable site. **Mr. Ericson** advised that it is to the smallest point and there will be slightly more landscaping in that corner. [20:03:12](#). **Commissioner Calacino** said that the plan doesn't actually reflect that and the engineer should fix that as a point of reference, along with indicating curb, gutter and sidewalk. On the graffiti issue, the southeast corner shows it being access for maintenance, so anyone could physically walk back there. **Mr. Ericson** said that there would be a steel lined 8' high vinyl gate there restricting the access. [20:03:46](#) **Commissioner Calacino** then brought up the issue of restricting the clear view by installing the gate and fence. [20:04:37](#) The topography from top of curb to the portion being graded is about a 9' drop at the front, which leaves the building sitting in a hole at the corner technically and all that will be seen is the roof. **Mr. Ericson** said that would be true at the corner only. **Commissioner Calacino** addressed his concern with architecture issues and felt the building needed some architectural relief in order to make it plausible. [20:05:49](#) He then asked the applicant about availability of traffic counts and **Mr. Ericson** [20:06:07](#) advised that car washes don't generate traffic because they are a secondary use and not a primary destination. He estimated about 150 cars utilizing the car wash on a good day of business or about 22 cars per hour. [20:06:57](#). **Commissioner Calacino's** concern was mostly about anticipated traffic stacking issues. [20:07:31](#).

7.3.3 **Commissioner Hallstrom** asked how long a car wash lasted approximately, and was informed by **Mr. Ericson** that it would be about 4 to 6 minutes per car. [20:07:45](#)

7.3.4 **Commissioner Calacino** summarized his concerns, saying that the landscaping plan should be calling out species now and particular emphasis should be placed on dressing up behind the dumpster. He had site issues reference the height of the fence and [20:08:45](#) felt a guard rail may be required in the interest of citizen safety. [20:09:22](#) He also suggested adding the signage feature to the south elevation ends of the building.

7.4 **SPEAKING:**

- **Chris King** - (Resides in back of this parcel) [20:11:03](#). **Mr. King** was opposed based on safety hazards and possible damage to his house created by the jarring created by the bulldozing that will be required to excavate this site. He has a steep grade in his back yard and has a 13' high wall there now and felt that while this building may look okay from the street, it will reflect negatively on the neighborhood side. [20:15:04](#) Mr. King wondered how the developer would recoup the high cost of developing this unusual piece of property, saying on top of everything else it will require water and drainage separators. [20:15:30](#) He was concerned that this would reduce the value of his home and wanted to go on record favoring this being made into a green area or a park and ride location for bus stops. [20:16:50](#).
- **Wade Graves** - (Owns one of the lots behind the property). [20:17:28](#) **Mr. Graves** commented that recent construction on the east side of 3200 West had created damage to his home and with the extensive excavation required for this site, he is concerned about additional damage. He has talked with his insurance company and they have taken soils samples to evaluate and see if they will file suit or not.

[20:18:39](#). Mr. Graves was also concerned about the maintenance and traffic safety issues in winter with icy conditions on the road and was unhappy about looking at a 22' high wall from his back yard . [20:20:27](#)

- **Rick Kitchens.** **Mr. Kitchens** advised that he has nothing against the developers nor future development but felt this site was completely inappropriate for a car wash. [20:22:38](#) He said that **Mr. Ericson** does build nice looking car wash facilities but did not want one placed on this particular site. He asked that the Commissioners go to the site and see for themselves how this will impact the whole neighborhood and at the same time to look at the property in that vicinity that [20:24:13](#) West Jordan is upgrading to low maintenance landscaping and take a lesson from that because it is very nice. .
- **Commissioner Calacino** [20:25:33](#) asked what the status was on the sale of the property and **Mr. McGrath** advised that it still belongs to the City of Taylorsville, with the final sale being contingent upon approval of this development by the Planning Commission.

7.5 **DISCUSSION/COMMENTS:** [20:26:57](#)

- **Commissioner Hallstrom** indicated that this massive commercial structure just doesn't fit in here and he could not support this because it is against what he envisioned for Taylorsville to develop, which is something other than a commercial structure at this location. The aesthetics problem cannot be handled on this site. [20:29:05](#)
- **Commissioner Smith** feels this is just the wrong place for a very nice state of the art facility. [20:29:45](#) Where proposed, it could potentially cause flooding, traffic and noise issues.
- **Commissioner Newton** [20:30:07](#) advised that as cars speed to the intersection, she would worry about the safety issue. That observation is strictly from a planning standpoint and the real decision on that is up to the City Engineer. She feels this is a tough piece of property and didn't know what could go in there with no problems attached.
- **Commissioner Barbour** had no [20:31:45](#) problem with the way the car wash looks but felt they could be creating a real safety hazard.

7.6 **MOTION #1:** [20:32:35](#) **Commissioner Hallstrom** - I would move to decline this application on the basis that there are site conditions that are hazardous to the community. There are aesthetic problems with this development that I find would be very much contrary to the interest of the citizens.

DISCUSSION:

- **Commissioner Overson** restated the Commission's options as being to approve this, deny it or continue it with conditions. [20:33:18](#) Her concern is many negative issues were brought but there might be a possibility of remedying the situation and for that reason she hesitated to recommend denial. The elevation is a concern of hers along with the safety on the ice in the winter time on 3200 West but she was not sure if all options had been exhausted enough to deny it [20:34:11](#)
- **Commissioner Calacino** asked if there were a second to the motion on the table and received no response.
- **Commissioner Newton** [20:34:25](#) commented that in considering this, she was looking at this piece of property and thinking about property rights in that the owner should have the right to develop this parcel of ground. If another use came into play, there would still be the same issues with the retaining wall and barrier, with ingress/egress off of 3200 West, and with the drainage. She agreed there are some issues which are not necessarily specific to the car wash use and was not sure all issues would go away if it were any other type of use. She was in favor of the applicant's comment about turning off the vacuums during the night time hours. [20:34:54](#)
- **Commissioner Barbour** [20:35:25](#) said she had been trying to think of something that would fit there and came up with nothing. She was supportive of Commissioner Newton's comments.
- **Commissioner Calacino** [20:35:40](#) agreed that the comment was taken. No matter what use would be proposed there, the issues are still relevant with retaining, grading, drainage, landscaping, aesthetics, ingress/egress. **Commissioner Hallstrom** - No so much if you have a park there.

SECOND: Commissioner Newton 20:36:09

Commissioner Calacino 20:36:26 – To re-state the motion it is to deny as proposed because there are conditions that have been substantiated that compromise the health, safety and welfare of the community and other issues with the proposed development don't meet the intent of the City's overall aesthetic, architectural or land use policies.

VOTE:

<u>Commissioner Overson</u>	NAY	<u>Commissioner Hallstrom</u>	AYE
<u>Commissioner Newton</u>	NAY	<u>Commissioner Smith</u>	AYE
<u>Commissioner Barbour</u>	NAY	<u>Commissioner Jensen</u>	NAY

Motion fails by a vote of 2 to 4.

DISCUSSION: Commissioner Barbour asked if it would be appropriate to put forth a motion for staff and applicant to work on this and see if there is a better way to set this plan on this difficult piece of property.

Commissioner Jensen 20:38:22 asked if there had been any soils tests conducted to determine if it is necessary to use explosives to develop this site or if heavy machinery is going to create undue stress on neighboring structures.

Commissioner Newton commented that the Planning Commission would not be the regulatory body for that.

Commissioner Calacino advised that would be done during the building permit process. **20:38:52 Commissioner Jensen** said that he would like to see some kind of a review done in regard to what the soil is like down deep and some kind of review about traffic concerns, and to continue this application until that has been done.

- 7.7 **MOTION #2: 20:39:22 Commissioner Jensen - I would like to make a motion to continue this application to make time to allow for a soils test of some kind to determine if the excavation could be made without having to use a lot of heavy equipment or explosives or whatever it is going to take to actually build the site. Also some kind of a safety review to determine if traffic going up and down the hill on 3200 West from the north and south directions is going to be adversely affected by view or ice in the winter, etc. Then the Commission can find conclusions and make a decision based on that.**
SECOND: Commissioner Barbour

DISCUSSION:

- **Commissioner Overson** did not want this continued indefinitely and wanted a date specific placed on it. She felt that doing otherwise would be unfair to everyone. The issues need resolution in a timely manner. **20:40:20**
- **Commissioner Hallstrom 20:40:39** felt that it is up to the applicant to provide the necessary documents as requested. After receiving those, the Commission could turn this around with a decision within two weeks. **Commissioner Calacino** allowed that there is no way to determine how long it would take the applicant to address some of the issues and wanted the Commission to stipulate a certain time to be reheard. If they go beyond that, an extension could then be granted. **20:40:59**
- **Commissioner Newton** asked about the possibility of the soils study indicating the need to use heavy explosives and how that would affect the Commission's basis to deny this **Commissioner Hallstrom** advised that would impact the health, safety and welfare of the citizens, therefore, could be addressed by the Commission.
- **Mr. McGrath 20:41:56** said he was having difficulty accepting the elevation change issue and wanted to know if it would be helpful to the Commission to do multiple cross sections throughout the site, possibly something that extends out to the road to show the level of the road and the private properties. (Mr. McGrath Indicated on the site plan where he would establish those cross sections). **Commissioner Calacino** advised the motion can be amended to add that along with several items to be submitted with new information if this comes back.

7.8 The applicant asked permission to readdress the Commission and was granted same by the Chairman. **Mr. Ericson 20:44:03** advised they could supply the information but it would create extra expenses to do cross sections as requested, however, they would do so with no problem if they anticipated a positive outcome before the Commission. **Commissioner Calacino** advised that the other side of that is if the money isn't spent, there probably will be a denial of the application because the Commission needs to make a thorough decision. **20:45:13 Mr. Ericson** requested that the Commission supply him with a comprehensive list of what they are going to want to see. **Commissioner Calacino** advised that when the discussion here ends, the motion will be clarified for Mr. Ericson.

- **Commissioner Jensen** would like some kind of a core sample that is going to go down as far as they are going to have to excavate to see if they encounter anything unexpected.

- **Commissioner Calacino** [20:46:05](#) said that the applicant needs to have the City Engineer or other competent engineer give their comments on their sampling. The City doesn't have a geologist on staff and he recommended the applicant contact one on this issue
- **Commissioner Newton** asked if there was anything needed in regards to drainage because that was brought up as an issue and would be included on any comprehensive list. **Commissioner Calacino** speculated that perhaps a firm recommendation from the City Engineer was in order. As proposed, there will be no issue with drainage on this site. [20:46:53](#)
- **Commissioner Jensen** was of the opinion that the question to be answered is can the property be reasonably excavated without damaging the area around it? [20:47:19](#) One final thing was the traffic issue and he questioned if it was safe enough for somebody going over the hill from either direction if there is traffic merging.
- **Commissioner Hallstrom** said that some good points were brought up about the street looking from the north. However, the way they are planning on doing this, the whole building will be down in a hole in the ground with only the roof being seen.
- **Commissioner Overson** [20:47:59](#) asked again for a specific completion date for this. **Commissioner Calacino** said the motion needed to be amended to reflect a date when the Commission would like to see this back. **Commissioner Barbour** said that it would depend on how quickly the applicant can get all this together because the Commission doesn't want to hold this applicant or anyone else up unnecessarily. [20:49:19](#) Further that the Commission should be ready to move on it when he is. **Commissioner Calacino** asked if there were no date specific, would it have to be re-noticed? **Mr. McGrath** advised that would not be required, however, staff would do so in this case given the amount of interest in the adjacent neighborhood.

VOTE:

Commissioner Overson AYE

Commissioner Newton AYE

Commissioner Barbour AYE

Motion passes unanimously.

Commissioner Hallstrom AYE

Commissioner Smith AYE

Commissioner Jensen AYE

8. 37C04 **Dr. Sanford Hamilton, DMD, PC, 1638 W. 6235 S.** - Construct a 4,928 Square Foot Office Building. (Michael Maloy/City Planner)

[20:50:11](#)

8.1 **Mr. Maloy** oriented on the site plan, aerial map and images. The applicant has requested preliminary approval for construction of a new 4,928 square foot dental office building on one acre of property, which is currently vacant. The proposed building is a single story structure with optional basement office space (for future lease or expansion). Staff recommends preliminary approval with the following conditions:

General Conditions:

8.1.1 Receive approval from and remain compliant with all applicable agencies and departments of the City (i.e., City Engineer, United Fire Authority, etc.).

8.1.2 Planning Staff shall review the final conditional use permit application. Any unresolved issues between Staff and the applicant may be determined by the Commission in a public meeting.

Site Plan Elements:

8.1.3 Applicant shall submit for City approval a final landscape plan. Landscape plan shall contain plant species, quantities and sizes. Applicant is encouraged to select a mixture of plants and trees to create variety and seasonal colors within plant beds. Additionally, the final landscape plan shall:

- Comply with all requirements of the MD-3 Zone;
- Include additional trees for screening along northern property line;
- Contain construction details for irrigation system. Applicant is encouraged to design a system that controls and conserves the use of water;
- Provide screening for all ground based and wall mounted utilities;
- Provide landscape buffer of dumpster enclosure; and
- Trees shall have a minimum caliper size of 2 inches.

- 8.1.4 For final review, applicant shall submit site plan with sidewalks for emergency egress from building.
- 8.1.5 Pedestrian intersections with driveways and aisles shall be compatible with ANSI standards for ramp construction.
- 8.1.6 Applicant shall submit for final approval a site lighting plan. Lighting plan shall include cut sheet specifications on all exterior lighting elements and accommodate pedestrian elements as well as vehicle parking. Cement light bases should be minimally exposed when located within landscaped areas.
- 8.1.7 Submit for final approval product specification sheet for property line fence and dumpster gate detail.
- 8.1.8 Trash dumpster shall be constructed of materials compatible with office building and use an opaque swinging gate (i.e. not chain-link fencing with slats).
- 8.1.9 Applicant must provide to the City a document identifying the location of all required cross-access easements. Upon approval by the City, the applicant shall record said document and provide proof of recordation.
- 8.1.10 Submit specifications on site furnishings plan. Outdoor furniture (i.e., benches, waste receptacles, bike racks, etc.) shall be compatible in design with building architecture. Provide location details on site plan and/or landscape plan locations for all outdoor furnishings.

Building Architecture:

- 8.1.11 Preliminary color and material palette are subject to Planning Commission approval. Variations from this approval shall require a CUP amendment from the City prior to installation.
- 8.1.12 Window and cornice details should be redefined and articulated to strengthen building design. Doors shall have clear glass panels as shown in elevation plans.
- 8.1.13 Building mounted lighting shall use downward cast lighting (i.e., no outward shining wall packs). The use of lighting that illuminates or accents building architecture is encouraged.

8.2 **APPLICANT ADDRESS:** Geoff Wood (Architect). [20:59:05](#). **Commissioner Barbour** asked **Mr. Wood** if he had read the staff report, to which he replied that he had no concerns or problems with any of it. [20:59:40](#)

8.3 **SPEAKING:** **Craig Miller** [21:00:28](#) had a question about the wall. He said when the credit union went in, their wall was placed well below grade and he didn't want this wall to have the same problem. [21:01:47](#) **Commissioner Calacino** advised that this wall would be 4' above grade which means it would be 8' tall on **Mr. Miller's** side of the fence and 4' on the medical building side. [21:03:01](#) Mr. Miller then asked about the dumpster location and the time of day it would be emptied. [21:03:25](#). He was informed by **Mr. Maloy** that provisions were being made for the dumpster location, enclosure thereto and to make sure the times for refuse removal conform to City ordinances. [21:04:34](#)

- 8.4 **MOTION:** **Commissioner Hallstrom** [21:06:16](#) – I'll make a motion, with the comment that the plan looks good and has improved and has good detail. There have been some recommendations made which require architectural grade lighting and a schedule about lighting and perhaps refining some detail, if you can, on windows or other kinds of detail on the exterior, including accessory structures, if any. I would move for approval in accordance with staff's recommendations
SECOND: [21:07:03](#) **Commissioner Overson**

VOTE:

<u>Commissioner Overson</u>	AYE	<u>Commissioner Hallstrom</u>	AYE
<u>Commissioner Newton</u>	AYE	<u>Commissioner Smith</u>	AYE
<u>Commissioner Barbour</u>	AYE	<u>Commissioner Jensen</u>	AYE

Motion passes unanimously.

SUBDIVISIONS

9. 9S04 **Dr. Sanford Hamilton, DMD, PC, 1638 W. 6235 S.** - Two-Lot Commercial Subdivision.
(Preliminary) (Michael Maloy/City Planner)

[21:07:45](#)

9.1 **Mr. Maloy** oriented on the site plan, aerial map and images. The applicant has requested preliminary approval of a two-lot commercial subdivision, the purpose for which is to build a single-story dental office building with optional basement office space. Staff recommends preliminary approval with the following conditions:

9.1.1 Subdivision plat shall comply with all applicable City ordinances contained in Title 12, Subdivisions.

9.1.2 Subdivision engineering shall comply with all applicable development policies contained within the Taylorsville City Engineering Standards Manual as determined by the City Engineer.

9.1.3 Applicant shall provide cross-access easements for adjacent properties (east and west). Easement(s) shall be reviewed by the City Engineer and shall be recorded with subdivision plat.

9.1.4 Final subdivision plat shall re-name Lot 3 and Lot 4 to be Lot 1 and Lot 2.

9.1.5 Applicant shall submit for City review proposed addressing for Lot 1 and Lot 2. Approved addressing shall be shown on subdivision plat.

9.1.6 Staff shall administrate final review of the subdivision application and plat.

9.2 **MOTION: 21:10:18 Commissioner Newton - I move that we approve Application 9S04 with staff recommendations.**

SECOND: Commissioner Barbour

VOTE:

Commissioner Overson AYE

Commissioner Hallstrom AYE

Commissioner Newton AYE

Commissioner Smith AYE

Commissioner Barbour AYE

Commissioner Jensen AYE

Motion passes unanimously.

A ten minute break was taken from 9:05 p.m. to 9:15 p.m.

10. 10S01 **Jack North, 1278 W. September Morn Circle (5115 S.)** - Four-Lot Residential Subdivision
(Final) (Michael Maloy/City Planner)

21:15:11

10.1 **Mr. Maloy** oriented on the site plan, aerial map and images. The applicant is requesting final approval of a four-lot residential subdivision plat. The subdivision is within the R-1-21 Residential Zone and Lots 1 and 2 are presently vacant, while Lots 3 and 4 contain existing single-family dwellings. Each parcel contains a minimum of a half acre. A 20' wide paved private lane (easement) from September Morn Circle will provide ingress and egress for Lots 1 and 2.

10.1.1 The subdivision, which is a deep lot development, received preliminary approval from the Planning Commission on September 24, 2002. Following a contentious public hearing process, concerned residents adjacent to the proposed subdivision filed a letter of appeal with the City. Mayor Auger conducted a public hearing on the appeal on November 11, 2002 and subsequently ruled against the appeal and upheld the decision of the Planning Commission.

10.1.2 **Staff recommends final approval with the following conditions:**

10.1.2.1 Privacy fence and landscape buffer along the south property line must be installed prior to issuance of an occupancy permit for Lots 2 or 2.

10.1.2.2 Applicant shall submit a bond agreement for public improvements (if any).

10.1.2.3 Applicant shall pay final recordation fee and storm water impact fee as determined by the City Engineer.

10.1.2.4 [Added by Motion] The applicant must record an easement across the property to the east for the right-of-way.

10.2 **APPLICANT ADDRESS:** Jack North.

10.3 **DISCUSSION:** 21:19:35 Commissioner Calacino asked if the applicant would be dedicating a public right of way for the lots facing 5050 South. Mr. North advised that he had dedicated half the width of the road back to the County already. Mr. Maloy indicated that one of the requirements was that the applicant must have the plat checked by the Salt Lake County Recorder's Office to assure record-ability, which he has done. 21:21:54 Commissioner Overson asked if there had been a change in the design of the hammerhead, to which Mr. Maloy replied there had been a slight change but it still meets the emergency vehicle standards. 21:22:59 Commissioner Calacino advised the applicant that he would have to record an easement across the other lot for the right of way for the deep lot. Mr. North advised that wording is contained on one of the plats. 21:23:25 Commissioner Overson asked about the landscaping and wanted to know if that would include a watering system, wanting to be sure that the landscaping is maintained and who will be responsible to assure that is done. 21:23:51 Commissioner Calacino's understanding was that it would be the responsibility of the individual lot owner involved.

10.4 **SPEAKING:**

10.4.1 **Don Hughes, 1281 W. Sept Morn Circle** 21:28:14 Mr. Hughes was concerned because he was told that some of these issues were to be worked out between Mr. North and the neighbors, however, he had never been contacted. He was concerned because his letter from City staff indicated that the decision by the Commission would be final tonight and that the issues had still not been worked out. His home is located 5' from the property line where the 8' wide access road is to be built, so he is very much impacted. His main concerns are the traffic being that close to his home, maintenance of the road and landscaping and the affect it will have on his property values. 21:29:09 He felt this was very poor planning to approve this development off of a cul-de-sac.

10.5 **DISCUSSION:** All Commissioners expressed concern about the lack of any guarantees that the landscaping and road would be maintained. Commissioner Calacino suggested a bond may be appropriate. Mr. Maloy advised that was not a typical condition but would research the feasibility of doing so. 21:32:59 He also said that the City Engineer is only requiring a \$1,000.00 bond for public improvements. At this point in time, there will be no one living along the access, therefore, the applicant would have to assure it is maintained until there are other property owners involved. 21:34:50 Commissioner Barbour wanted to know if the applicant had received a copy of staff's conditions. Mr. Maloy replied that he had given a copy to Mr. North and received no input of there being any problems with any of the conditions 21:35:28 In response to the comment by the neighbor about the applicant meeting with him, Mr. Maloy indicated that it would have been great if that had happened, however, that was not a requirement placed by the Commission motion for approval that was upheld by Mayor Auger on appeal. It said that the applicant had to respond to those concerns to the City, which he did.

10.6 **MOTION:** Commissioner Barbour 21:36:14 - I move that we approve File #10S01 with staff recommendations. Commissioner Calacino - You may want to add that they record the right of way easement on the adjacent property as well. 21:36:42 Commissioner Barbour - Absolutely. Add that as an additional condition. Commissioner Jensen - Are we going to require a bond? Commissioner Barbour - Nothing that we don't normally do. Commissioner Calacino - We have a motion to approve this as recommended by staff, adding a condition that they record an easement across the property to the east for the right of way. Is there a second for that motion.

SECOND: Commissioner Newton 21:37:18

VOTE:

<u>Commissioner Overson</u>	<u>AYE</u>	<u>Commissioner Hallstrom</u>	<u>AYE</u>
<u>Commissioner Newton</u>	<u>AYE</u>	<u>Commissioner Smith</u>	<u>AYE</u>
<u>Commissioner Barbour</u>	<u>AYE</u>	<u>Commissioner Jensen</u>	<u>AYE</u>

Motion passes unanimously.

11. 10S04 **Robert Woods (American Express), 4315 S. 2700 W.** - 2-Lot Commercial Subdivision.
Preliminary) (Dan Udall/City Planner)

21:37:46

11.1 **Mr. Udall** oriented on the site plan, aerial map and images. American Express desires to subdivide a 51-acre lot into a 2-lot commercial simple subdivision. The northern vacant lot is proposed to be 19.45 acres and the southern lot where American Express is located, is 31.77 acres. The applicant does not desire to develop the parcel at this time, however, in the future will probably develop the northern 19.45 acres into an office or business park. An office is a conditional use in the R-M zone and this subdivision request meets all City codes. **Staff recommends approval with the following conditions:**

11.1.1 Receive approval from and remain compliant with all applicable reviewing agencies.

11.1.2 That any subdivision amendments proposed after the initial recordation are reviewed and approved by the Planning Commission.

11.1.3 The subdivision receives final approval from City Staff.

11.1.4 The subdivision is recorded by plat.

11.2 **APPLICANT ADDRESS: Kathy Stalwick and Bob Woods - Representing American Express.** [21:41:57](#) **Ms. Stalwick** introduced herself and turned the time over to Mr. Woods, saying she would respond to any questions after his presentation.

11.2.1 **Mr. Woods** advised that they have been working with City Staff on this project and the plan is to have an emergency access via a crash gate through American Express parking area, along with access to a public street through the residential neighborhood to the north. American Express has no intention to develop this property at this time. **Commissioner Hallstrom** expressed that [21:43:13](#) may not last that way very long because American Express may decide to sell that property after the subdivision is completed and one access is still not going to work. **Mr. Woods** advised that the access appeared to be 2440 West which is a public street to the east of the canal that abuts the property, as does 2600 West and 2660 West. [21:43:47](#) **Commissioner Hallstrom** commented that there are no protection strips across those, nothing that would preclude future owners from having access into any of those streets. He asked if they were all public streets and was informed by **Mr. Woods** that was true, however, that was questioned by staff, who felt the streets may be private and will check into the matter. [21:44:43](#) **Commissioner Barbour** asked why there would be an objection to a cross easement. [21:45:01](#) **Mr. Woods** added that Commissioner Barbour's perception was that he had an objection to obtaining a cross easement, which in fact he did not and was agreeable to that. [21:40:04](#) **Commissioner Hallstrom** said that American Express is a very large corporate ownership which is entirely capable of taking care of their own business. However, this parcel to be subdivided has one very narrow access, which is inadequate. At the very least, there should be a cross-easement agreement with the other lot or some other mechanism put into place to assure there are two ways to get into the property. [21:40:57](#)

11.3 **SPEAKING: Norman R. Wendel - (Vice President of the Board of Directors for Village II Homes directly north of this site).** [21:45:30](#) He advised he had been involved in talks with their legal counsel regarding this matter and felt he could address some of the issues that have been brought up this evening. The Board would like to have a study of their proposal of what they are wanting to do. The area of concern is that American Express is going to sell their building and saying the land is not going to be developed. There would be no accountability after American Express becomes a tenant instead of a owner and the concern is what the new owners will do with that section of land. It was originally supposed to be two buildings, one here and one across the canal, with each having their own easements. Those roads were not to come through Village II. [21:46:58](#) Solitude Ridge (2660 West) is a public road. [21:48:25](#) (Mr. Wendel left the podium and spoke at the wall map and was inaudible). There are three roads that have been stubbed and the promise was made that they would not be used as through streets. [21:50:19](#). We would like to know who is buying the property. What the utilization would be and would like to have a plot map that we can study. The Board of Directors wants to go on record in opposition to any change at this time until more information is available. If ever there is an emergency down there, there is only one access and that is through Village II. [21:51:54](#).

11.4 **APPLICANT REBUTTAL** [21:52:52](#) - **Kathy Stalwick. (Vice President of American Express Real Estate).** **Ms. Stalwick** advised that they are in possession of an official survey with the actual easements that says, when and if development occurs, it would not be going right up to his house. American Express wants to be good neighbors and respects the concerns expressed this evening. She assured everyone that American Express has no intention to do anything to hurt the status quo. The reason the building is being sold is not because American Express is leaving the area. American Express will remain on the site. It is actually a balance sheet maneuver to free up capital and is being done with other sites in other locales as well. American Express will have a long term lease with the new property owners but wants to control what happens on the new parcel. There are no plans to change any of the roadways and would only use the public streets for emergency vehicle access. [21:54:52](#)

11.5 **DISCUSSION: Commissioner Hallstrom** [21:55:15](#) said that his concern tonight is apparently being misunderstood. As it stands now, both parcels are commercial and the property directly to the north is residential. The Commission does not want to have the success of the commercial site depend on access through the residential subdivision.

11.6 **MOTION #1: Commissioner Hallstrom -** [21:57:03](#). **I would move that we continue this for long enough to allow American Express to formally respond with their approved plan showing how it**

is they would propose to handle more than one way in and out of this property with their subdivision.

DISCUSSION:

- **Commissioner Barbour** asked that the cross easement be added as a condition to the motion. She added that the practice of sell and lease back is not uncommon. **Commissioner Hallstrom** commented that it may be easier for them to change the legal description of the parcels to accommodate that and make a wider frontage, running a secondary access at another location. He felt there were some options to accommodate their needs at this juncture. He agreed that the sell/lease prospect is not the problem.
- **Commissioner Calacino** suggested there was a simple solution to this, which is to draw the line straight through and record a cross access easement which basically says Lots 1 and 2 can cross back and forth, therefore, the parking lot can still be used by American Express even though it might be on a separate property. As it sits right now, if the property is sold, the amount of frontage is limited for this piece and whether American Express retains it or not, they are limiting themselves on their frontage on 2700 West, which is going to greatly hamper the access and the signage, which is based on the amount of frontage. The way this is being proposed, there will be an access into this site which runs right along the residential development to the north, which impedes and compromises the safety and welfare of that development. The way to compensate for that is to adjust the property line down, draw it almost straight through and have a cross access easement. The primary access to the property can be figured out in the future and still have access back and forth for maintenance of the parking area. **Commissioner Calacino** suggested that be made part of the motion. **Commissioner Hallstrom** advised that he wasn't sure that these applicants were in a position to be able to make that conclusion without going back to American Express for their approval. **Commissioner Calacino** agreed and asked for a second and vote on the motion on the table. **Commissioner Hallstrom** indicated that he would be happy to move for an approval with a "subject to" included and said he would withdraw his first motion and make another one.

[21:59:52](#)

- 11.7 **MOTION #2: Commissioner Hallstrom** - I move for approval subject to their providing staff with an acceptable plan which provides more than one access into that property. **Commissioner Overson** - Can we be just a little bit more specific in saying more than one that does not include access through the subdivision to the north? **Commissioner Hallstrom** - Yes, that would be good, then we take care of the neighbors. **Commissioner Jensen** - I like Commissioner Calacino's idea of just making it a straight line and feel that should be included in the motion. **Commissioner Hallstrom** - That isn't our call. They should be able to make their own decision about how to do that. I don't really care how they do it. **Commissioner Calacino** - Okay, we have a motion to approve it with the condition that they work with staff to address the second access which would not include the residential subdivision development to the north. [22:00:59](#) It may or may not require reconfiguration of the proposed property line. Do we have a second on that motion?

SECOND: Commissioner Newton.

- 11.8 **Commissioner Calacino** - The applicant has asked that the meeting be reopened for public comments so that he may address the Commission. (Commissioners agreed with that request).

- 11.9 **REOPENED FOR COMMENT AT REQUEST OF THE APPLICANT:**

11.9.1 **Mr. Woods** advised that the property is zoned R-M which opens up the possibility of having a family development there and not just opening it up to a commercial endeavor

11.9.2 **Mr. Wendel** [22:01:54](#) also asked to readdress the Commission and was given permission to do so. **Mr. Wendel** was off the microphone and his comments were inaudible but his concern was reiterating his opposition to opening up any access into his residential subdivision. **Commissioner Calacino** assured Mr. Wendel that, depending on the development, the Planning Commission would look at that issue and more than likely require another street off of 2700 West and not just go directly through the residential development. The point is well taken that there is a possibility that the lot they are proposing to the north could eventually go residential development but it still all comes back to having enough frontage on 2700 West to accommodate the street. He believed that there is

some merit to rethinking the configuration on this property to allow it to have more frontage along 2700 West, regardless of if it goes commercial or residential. **Commissioner Newton** felt the motion on the table covered that.

11.10 **Commissioner Calacino** provided a clarification on the motion. [22:03:35](#) The motion is to grant preliminary approval on the proposed two-lot subdivision with the condition that the configuration of the property possibly be re-thought and re-worked with staff to allow more frontage on 2700 West. A cross access easement should be initiated to the other lot where American Express is now located and to re-phrase it to say a **possible** access to the subdivision to the north if it goes residential. The Planning Commission can't place that condition on it now but should address it for the record that because of the zoning, there is the possibility that it can tie to the subdivision to the north, therefore, that substantiates the reason to have more frontage along 2700 West for Lot 2 located to the north. Lot 2 needs to have more frontage on 2700 West to potentially accommodate any access for future development, either residential or commercial. **Commissioner Overson** said she just wanted to make sure the word "**possible**" is there and a "**definite**" cross easement is needed between Lot 1 and 2. **Commissioner Calacino** said that was correct and if it goes commercial, the cross access should be **definite** because if it goes residential, they could always vacate that easement. **Commissioner Newton** asked if it were to go commercial, would it definitely not have an access into the neighborhood? **Commissioner Calacino** [22:04:56](#) advised that would need to be reviewed during the plan review stage.

VOTE: (ON MOTION #2)

Commissioner Overson AYE

Commissioner Newton AYE

Commissioner Barbour AYE

Motion passes unanimously.

Commissioner Hallstrom AYE

Commissioner Smith AYE

Commissioner Jensen AYE

GENERAL PLAN UPDATE

12. **Recommendation to the City Council Regarding the General Plan Update.** (Mark McGrath/Director of Community Development)

12-1. **Mr. McGrath** advised that this is on the agenda for official recommendation to the City Council tonight. He said staff still has not included some of the charts and images as back up material. He was confident with the draft and was happy with the content. He advised there were still some formatting issues and a couple of changes needed on the map but staff can handle those easily. The Planning Commission can either make an official recommendation tonight or continue this to another meeting.

12.2 **DISCUSSION:**

12.2.1 [22:07:52](#) Commissioners asked about the changes staff still anticipates. **Mr. McGrath** said there are still a few areas needing attention, one being the entryway to Millrace Park, another being 5400 South heading west in front of the City Center site and from 2700 West to 3200 West. There are church designations on the map which will be changed by staff. [22:09:34](#) Mr. McGrath asked if the Commissioners were comfortable with staff doing the final editing and forwarding to the City Council. Commissioners agreed to that, stipulating that staff assure the product is as pure and professional as possible.

12.2.2 [22:12:10](#) **Commissioner Jensen** asked how implementation of action items would take place. **Mr. McGrath** advised that staff will work with the City Council to establish priorities because the City Council controls all funding. **Commissioner Jensen** suggested that a comment form be sent to individual developers soliciting their ideas in improving the image of the City and seeking their advice on attracting new developments and/or tenants to our commercial centers. [22:31:12](#)

12.3 **SPEAKING: Glen Morris, Real Estate Agent.** Mr. Morris advised he is representing the owners of the site at 1841-1865 W. 4100 South, which is being recommended in the new General Plan as medium density zoning. [22:20:42](#). The owners don't recommend that residential type use there for medium density because it is a one acre parcel located next to Carriage Square, a commercial center and is located on a very busy street. Although they have no specific plans for the site, they wanted to go on record as not being in favor of residential use there and asked the Commission to reconsider that decision and give thought towards light commercial or office use instead. Commissioners discussed this suggestion and felt that medium density was a good use for this parcel. [22:24:40](#) One goal of the newly established Economic Development Department is to consolidate commercial in the most desirable areas in order to assure success. [22:26:31](#)

12.4 **MOTION:** Commissioner Newton - I move that we forward a positive recommendation to the City Council to adopt the general plan that we have before us. When staff feels it is ready, then move it forward. [22:31:46](#)
SECOND: Commissioner Hallstrom
VOTE: Commissioner Overson AYE Commissioner Hallstrom AYE
Commissioner Newton AYE Commissioner Smith AYE
Commissioner Barbour AYE Commissioner Jensen AYE
Motion passes unanimously.

MINUTES: Review/Approval of Minutes from Meetings held on August 24, September 28 and November 9, 2004.

MOTION: Commissioner Barbour - I move for approval of the Minutes for August 24, September 28 and November 9, 2004 with corrections given to the recording secretary. I find the minutes substantially represent the conversations of those evenings and there is an audio recording on file for each meeting for back up should the need arise.
SECOND: Commissioner Overson
VOTE: Commissioner Overson AYE Commissioner Hallstrom AYE
Commissioner Newton AYE Commissioner Smith AYE
Commissioner Barbour AYE Commissioner Jensen AYE
Motion passes unanimously.

COMMISSION REPORT: Commissioner Overson gave her report for the City Council meeting she attended. [22:37:32](#)

ADJOURNMENT: By motion of Commissioner Overson, the meeting was adjourned at [22:40:00](#)

Respectfully submitted by:

Jean Gallegos, Secretary/Recorder
Planning Commissioner

Approved in meeting held:

